

REMARKS

On July 27, 2005 an Office Action was issued for the above-referenced application which indicated that the Applicants' May 9, 2005 Election in response to an April 7, 2005 Restriction requirement was non-responsive because claims reading on the elected subspecies had not been specifically identified. Applicants repeat the same Election as was made on the May 9, 2005 and properly identify the claims reading on the elected Species and Subspecies, as set forth below.

In the April 7, 2005 Restriction Requirement under 35 U.S.C. §121, the Examiner indicated that claims of the present application was drawn to the following patentably distinct species:

- (a) Species I, drawn to FIG. 2;
- (b) Species II, drawn to FIG. 5;
- (c) Species III, drawn to FIG. 7a; and
- (d) Species IV, drawn to FIG. 10a.

The Examiner also indicated that within each species are Subspecies 1-9, relating to the particular detection means recited in claims 40-48, respectively.

In response to the restriction requirement, applicants elect, without traverse, for the continued prosecution of Species I, drawn to FIG. 2, and Subspecies 1, relating to "at least one detection means" being "an optical scan head," as recited in claim 40. Claims 1-7, 11, 12, and 14-89 read on at least Species I. Claims 1-7, 11, 12, 14-40, and 49-89 read on at least Subspecies I of Species I. Applicants do not disclaim that these claims read on one or more or all of the other Species as well as Species I, or any of the Subspecies as well as Subspecies I.

Claims 1-7 and 11-89 are the only claims pending. Applicants reserve the right to later file a divisional application directed to the non-elected claims.

It is believed that no fee is presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkens & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47171-00305USP1.

Further action on the merits is respectfully requested.

Respectfully submitted,

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